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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,416	07/29/2003	David Hsia	MR2561-126	6297
4586	7590	02/07/2005	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			TRIEU, THERESA	
			ART UNIT	PAPER NUMBER
			3748	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/628,416	Applicant(s) HSIA, DAVID	
	Examiner Theresa Trieu	Art Unit 3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-43 are rejected under 35 U.S.C. 102(b) as being anticipated by any one of Grassbaugh et al. (Grassbaugh) (Patent Number 5,267,844) or Fain (Patent Number 5,380,170).

Regarding claims 22-42, Grassbaugh (as shown in Fig. 1) or Fain (as shown in Fig. 1) discloses a structure for fabricating a semi-hermetic scroll compressor comprising: a plurality of sub-casings including an upper casing and lower casing; the upper casing including a high pressure device (56 in Grassbaugh; 100 in Fain) and an partition device (19 in Grassbaugh; 18 in Fain) being a partition plate; the lower casing including fixing design as standard height for positioning mainly including a fixing bearing base portion (38 in Grassbaugh; 52 in Fain) and a fixing bearing portion (64 in Grassbaugh; 20 in Fain); a lubricant design including at least one lubricant channel (not numbered; however, clearly seen in Fig. 1 of Grassbaugh and Fain) to bring lubricant back to the lubricant device; a fixing device including an upper bearing (50 in Grassbaugh; in Fain), a main bearing (22 in Grassbaugh; 36 in Fain), a lower bearing (66 in Grassbaugh; 28 in Fain), a brace and a bearing base (not numbered; however, clearly seen in Fig. 1 of Grassbaugh; 50 in Fain); driving device including a drive shaft (46 in Grassbaugh; 32 in

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Fain), a stator (80 in Grassbaugh; in Fain), a rotor (82 in Grassbaugh; 44 in Fain); a compressing device including a fixed scroll member (18 in Grassbaugh; 30 in Fain) and an orbiting scroll member (20 in Grassbaugh; not numbered; however, clearly seen in Fig. 1 of Fain) and; a lubricant device being a lubricant tank (not numbered; however, clearly seen in Fig. 1 of Grassbaugh; 200 in Fain); the sub-casings further including an upper counterweight (60 in Grassbaugh; 48 in Fain), a lower counterweight (not numbered; however, clearly seen in Fig. 1 of Grassbaugh; 46 in Fain) and a discharge port (54 in Grassbaugh; 94 in Fain).

The method claims 1-21 and 43 are inherent in the operation of any one of the Grassbaugh '844 or Fain '170 device.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of four patents: Caillat et al. (U.S. Patent Number 5,395,224), Wallis et al. (U.S. Patent Number 5,607,288), Friedley et al. (U.S. Patent Number 6,039,550) and Clendenin (U.S. Patent Number 6,439,867), each further discloses a state of the art.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm. The new telephone number is 571-272-4868 that will become effective after November 22, 2004.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E Denion can be reached on 571-272-4859. The new telephone number is

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571-272-4859 that will become effective after November 22, 2004. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT



Theresa Trieu
Primary Examiner
Art Unit 3748